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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) Case No.: SA07-062M
12 Plaintiff,) ORDER OF DETENTION
13 vs.)
14 Nakhorn Phabmixay,)
15 Defendant.)

L.

1 B. (X) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:

3 (X) On the further allegation by the Government of:

4 1. (X) a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

6 a. () obstruct or attempt to obstruct justice.

7 b. () threaten, injure or intimidate a prospective witness or

8 juror, or attempt to do so.

9 C. The Government () is/(X) is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety or any person or the community.

II.

14 A. (X) The Court finds that no condition or combination of conditions will
15 reasonably assure:

16 1. (X) the appearance of the defendant as required.
17 (X) and/or

18 2. (X) the safety of any person or the community.

19 B. () The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.

III.

23 || The Court has considered:

24 A. (X) the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;

28 B. (X) the weight of evidence against the defendant;

1 C. (X) the history and characteristics of the defendant; and
2 D. (X) the nature and seriousness of the danger to any person or the community.

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4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the
6 arguments and/or statements of counsel, and the Pretrial Services
7 Report/recommendation.

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9 **V.**

10 The Court bases the foregoing finding(s) on the following:

11 A. (X) As to flight risk: Defendant's unemployed status, lack of sufficient bail
12 resources, history of failures to appear in court, history of probation
13 violations, and history of substance of abuse.

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15 B. (X) As to danger: The charged offense (bank fraud) and Defendant's extensive
16 criminal history, which includes convictions for crimes of violence and
17 drug-related offenses, shows he has an ongoing propensity to commit
18 serious crimes. The pending charge and his criminal history also shows
19 Defendant is both an economic and physical danger to the community. *See*
20 *U.S. v. Reynolds*, 956 F.2d 192, 192-93 (9th Cir. 1992).

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22 **VI.**

23 A. () The Court finds that a serious risk exists the defendant will:
24 1. () obstruct or attempt to obstruct justice.
25 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

26 B. The Court bases the foregoing finding(s) on the following:

1 VI.
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4 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
5 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
6 the Attorney General for confinement in a corrections facility separate, to the
7 extent practicable, from persons awaiting or serving sentences or being held in
8 custody pending appeal.
9 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
10 opportunity for private consultation with counsel.
11 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
12 request of any attorney for the Government, the person in charge of the
13 corrections facility in which defendant is confined deliver the defendant to a
14 United States marshal for the purpose of an appearance in connection with a court
proceeding.

15 DATED: March 6, 2007

ARTHUR NAKAZATO

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ARTHUR NAKAZATO
17 UNITED STATES MAGISTRATE JUDGE
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